

REMARKS

This paper amends Claims 15, 20 and 21, cancels Claims 1-14 and 22, and adds new Claims 26-35. Claims 1-14 are cancelled in response to the restriction requirement, and Applicant reserves the right to refile these claims in a divisional application at a later date. Claims 16-19 and 23-25 are unchanged. Claims 15-35 are pending. Reconsideration and allowance of the claims in light of the present remarks is respectfully requested. The amendments for Claims 15 and 20 are for clarification, are not meant to avoid any prior art and are not narrowing.

Claims 15-24 under 35 U.S.C. § 103(a) were rejected as being unpatentable over Brown et al. (U.S. Patent No. 5,875,446). Claim 25 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Brown et al. in view of Jain (U.S. Patent No. 6,480,853).

Discussion Regarding Claims 15-24

The primary reference, Brown et al., is directed to hierarchical grouping and ranking of a set of objects in a query based on one or more relationships, where the relationships are topical relevancy and structural relevancy. The Brown specification describes the objects as hypermedia objects that

are items such as books, articles, reports, pictures, movies, or recordings containing text, images, video, audio, or any other multimedia object and/or information

at column 6. The Brown specification, at column 3, also describes that:

content-based search techniques for video and sound exist and have been incorporated into prototype systems, but this technology is less mature than text and image search. Objects found using an attribute-based or content-based search system are said to be 'topically relevant' to the query.

There is no further mention of "video" in the specification. Creating an index for a hypermedia object database is described in columns 2 and 3 of the Brown specification. Therefore, it appears that any indexing is to the presence and identity of an object such as a video, but not to metadata identified clips of the video, for example. The text identified at column 3 of the Brown specification

All of the objects are gathered by identifying a few key starting points, retrieving those objects for indexing, retrieving and indexing all objects referenced by the

objects just indexed (via hyperlinks), and continuing recursively until all objects reachable from the starting points have been retrieved and indexed.

is silent as to indexing time-based aspects of a video.

There is no description of generating a time-based track or metadata tracks or a time-based index of the video in Brown. The citations provided in the Office Action do not describe these terms, and no motivation for generating and using a time-based track or metadata tracks or a time-based index of the video is discussed in the Office Action. Applicant's Claim 15 recites in part: "generating a time-based track which indexes the video". By using a time-based track, clips within the video can be identified and accessed, for example.

Claim 15 has been amended to recite in part "generating a time-based track which indexes the video". Claim 20 has been amended to recite in part "generating time-based metadata tracks through access to the video via the collected video location identifiers". A time-based track and metadata tracks are shown at least in Figures 6 and 14, and are described at least in columns 6, 7, and 8 of Applicant's U.S. Patent No. 6,360,234 ('234 patent), which is incorporated by reference in the above-identified application. For example, see column 6, lines 30-32 and 43-47; column 7, lines 14-18; and column 8, lines 29-32 and 49-55 of the '234 patent. A time-based track and metadata tracks are used to index the video such as, for example, described at column 2, lines 18-21 and column 7, lines 5-9 of the '234 patent. As described in section 608.01(p) of the Manual of Patent Examining Procedure (MPEP), subject matter (such as from an issued U.S. patent) may be incorporated by reference. Furthermore, Applicant's specification describes a time-stamped video index, e.g., at page 14, lines 1-11, and time-stamped metadata and a metadata index, e.g., at page 27, lines 13-25. The cited art does not show or describe generating a time-based track which indexes the video or generating time-based metadata tracks through access to the video via the collected video location identifiers.

Interpretation of the Claims

Regarding interpretation of the claims, weight is given to the specification as described in the following sections (2111 and 2111.01) of the Manual of Patent Examining Procedure (MPEP):

CLAIMS MUST BE GIVEN THEIR BROADEST REASONABLE INTERPRETATION

(T)he “PTO applies to verbiage of the proposed claims the broadest reasonable meaning of the words in their ordinary usage as they would be understood by one of ordinary skill in the art, taking into account whatever enlightenment by way of definitions or otherwise that may be afforded by the written description contained in applicant’s specification.”. *In re Morris*, 127 F.3d 1048, 1054-55, 44 USPQ2d 1023, 1027-28 (Fed. Cir. 1997)

The broadest reasonable interpretation of the claims must also be consistent with the interpretation that those skilled in the art would reach. *In re Cortright*, 165 F.3d 1353, 1359, 49 USPQ2d 1464, 1468 (Fed. Cir. 1999).

THE WORDS OF A CLAIM MUST BE GIVEN THEIR “PLAIN MEANING” UNLESS THEY ARE DEFINED IN THE SPECIFICATION

During examination, the claims must be interpreted as broadly as their terms reasonably allow. This means that the words of the claim must be given their plain meaning unless applicant has provided a clear definition in the specification. *In re Zletz*, 893 F.2d 319, 321, 13 USPQ2d 1320, 1322 (Fed. Cir. 1989) . . . (T)he words in a claim are generally not limited in their meaning by what is shown or disclosed in the specification. It is only when the specification provides definitions for terms appearing in the claims that the specification can be used in interpreting claim language. *In re Vogel*, 422 F.2d 438, 441, 164 USPQ 619, 622 (CCPA 1970).

“PLAIN MEANING” REFERS TO THE MEANING GIVEN TO THE TERM BY THOSE OF ORDINARY SKILL IN THE ART

When not defined by applicant in the specification, the words of a claim must be given their plain meaning. In other words, they must be read as they would be interpreted by those of ordinary skill in the art. *In re Sneed*, 710 F.2d 1544, 218 USPQ 385 (Fed. Cir. 1983)

APPLICANT MAY BE OWN LEXICOGRAPHER

Applicant may be his or her own lexicographer as long as the meaning assigned to the term is not repugnant to the term’s well known usage. *In re Hill*, 161 F.2d 367, 73 USPQ 482 (CCPA 1947). Any special meaning assigned to a term “must be sufficiently clear in the specification

Appl. No. : 09/828,506
Filed : April 6, 2001

that any departure from common usage would be so understood by a person of experience in the field of the invention.” *Multiform Desiccants Inc. v. Medzam Ltd.*, 133 F.3d 1473, 1477, 45 USPQ2d 1429, 1432 (Fed. Cir. 1998).

Applicant has clearly acted as his own lexicographer in this case as there is no well accepted meaning other than that associated with one of skill in the art with respect to a time-based track and metadata tracks. These terms are clearly not shown in Brown, as Brown never deals with the internal structure of the video. Accordingly, Applicant respectfully requests withdrawal of the rejections.

Discussion of Dependent Claim 19

Regarding dependent Claim 19, Applicant respectfully submits that “searching for video content” is directed to a time after a time-based track is generated, and not “retrieving those objects for indexing” as stated in the Office Action. For example, a user may issue a query against the time-based track after the track is generated.

Discussion Regarding Claim 25

Claim 25 recites in part: “parsing a script associated with the identified video, and launching the identified video for playback on a visual display according to the parsed script”. The citations in Brown and Jain provided in the Office Action do not describe these aspects of Claim 25. The text cited by the Office Action in the Jain patent describes that a web page is formatted via HTML, and typically displays text and graphics, and can play sound, animation, and video data. This does not describe “parsing a script associated with the identified video, and launching the identified video for playback on a visual display according to the parsed script”, as claimed in Claim 25. Parsing of HTML is just the starting point for video spidering as described in Applicant’s specification. The parsing and launching aspects of Claim 25 are shown in Figure 4 (block 424), Figure 6 (block 422/424) and Figure 7, and are described at page 3, lines 19-30; page 4, line 22 to page 5 line 8; page 15 lines 24-29; and page 23, lines 18-29 of Applicant’s specification.

Therefore, Applicant respectfully requests the withdrawal of all claim rejections and prompt allowance of the claims.

Appl. No. : 09/828,506
Filed : April 6, 2001

Conclusion

In light of the above, reconsideration and withdrawal of the outstanding rejections are specifically requested. In view of the foregoing remarks, Applicant respectfully submits that the claims of the above-identified application are in condition for allowance. However, if the Examiner finds any impediment to allowing all claims that can be resolved by telephone, the Examiner is respectfully requested to call the undersigned.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: _____

4/2/04

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SUMMARY OF INTERVIEW

Applicant thanks Examiner Baoquoc N. To for the personal interview with Applicant's representative, John Carson, on March 12, 2004.

Identification of Claims Discussed

Claims 15, 20, 21 and 25 were discussed.

Identification of Prior Art Discussed

Brown et al. (U.S. Patent No. 5,875,446) was discussed.

Proposed Amendments

Amendments to combine dependent claims with independent claims and clarifying amendments were discussed.

Principal Arguments and Other Matters

Generating a time-based index of the video is not described in the Brown reference. Generating a time-based index of the video is described in the specification and the specification of Applicant's U.S. Patent No. 6,360,234, which is incorporated by reference in the above-identified application.

Results of Interview

Agreement with respect to the claims was not reached, but suggestions to place the claims in condition for allowance were discussed.